

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

AFFIRMATION AND
APPLICATION

- v. -

: S2 16 Cr. 776 (VEC)

JOSEPH PERCOCO,

a/k/a "Herb,"

:

PETER GALBRAITH KELLY, JR.,

a/k/a "Braith,"

:

STEVEN AIELLO,

JOSEPH GERARDI,

:

Defendants. :

- - - - - x

ROBERT L. BOONE, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Joon H. Kim, Acting United States Attorney for the Southern District of New York.

2. I am one of the federal prosecutors in charge of the prosecution of JOSEPH PERCOCO, a/k/a "Herb," PETER GALBRAITH KELLY, JR., a/k/a "Braith," STEVEN AIELLO, and JOSEPH GERARDI, the defendants, in the case entitled United States v. Joseph Percoco, et. al, S2 16 Cr. 776 (VEC), for violations of Title 18, United States Code, Sections 666(a)(2), 666(a)(1)(B), 1001(a)(2), 1349, 1951, and 2.

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3. I make this Affirmation and Application, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, for an order to unseal the material listed in Paragraph 4 of this application. The material contains relevant information to the prosecution of the above-captioned defendants and the Government intends to produce it to defense counsel in compliance with the Office's obligations under the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3500, as well as Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and their progeny.

4. Specifically, the Government seeks to unseal the following material for the limited purpose of allowing production to defense counsel and their use at trial in this case: the Grand Jury transcript re: Yanina Daigle, dated October 13, 2016.

WHEREFORE, it is respectfully requested that the Court grant this Application for an Order unsealing the material

described in Paragraph 4 of this Application for the limited purposes set forth therein.

Dated: New York, New York
November 20, 2017

SO ORDERED:



HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE